

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,  
  
Plaintiff,  
  
-against-  
  
DEREK JONES,  
  
Defendant.

No. 21-CR-59 (LAP)

ORDER

LORETTA A. PRESKA, Senior United States District Judge:

Before the Court are the parties' submissions regarding the need for a Fatico hearing. (Dkt. nos. 152 and 155.) The Court has determined that a Fatico hearing is not required to adjudicate the Defendant's objections. However, a Fatico hearing will be required to adjudicate the Government's apparent request for an enhancement for obstruction of justice.

If the Government seeks the obstruction of justice enhancement, and the Defendant objects, the Court will hold a Fatico hearing on this issue. The parties shall confer on this issue and inform the Court as to how they wish to proceed no later than December 9, 2022, at 5:00 PM. If the Fatico hearing on the obstruction of justice enhancement is not needed, Defendant's sentencing will proceed on December 13, 2022, as previously scheduled.

**SO ORDERED.**

Dated: December 7, 2022  
New York, New York

A handwritten signature in black ink, reading "Loretta A. Preska". The signature is written in a cursive, flowing style with a horizontal line underneath the name.

LORETTA A. PRESKA  
Senior United States District Judge